

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TEC SEC, INC.

Plaintiff,

V.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION, et al**

Defendant.

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) CIVIL ACTION 1:10cv115
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NOTICE OF GROUNDS FOR JUDICIAL DISQUALIFICATION

On November 18, 2016 Judge Liam O'Grady was assigned the case of Tec Sec Inc., v. International Business Machines Corporation, et al. Judge O'Grady has continued to handle the case since assigned.

On November 23, 2021 Judge O’Grady learned that his wife held stock in Cisco and Oracle, not in a mutual fund as he understood, but in a brokerage account. The difference means that he is not entitled to the safe haven exception to being required to disqualify himself from Cisco and Oracle cases, as it constitutes a financial interest in a party to the litigation.

Disqualification of judges to hear cases is governed by 28 U.S.C. § 455, which provides in relevant part:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.


(b) He shall also disqualify himself in the following circumstances:

(4) He knows that he, individually or as a fiduciary, or his spouse or minor

child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceedings, or any other interest that could be substantially affected by the outcome of the proceeding . . .

Section B of § 455 leaves the Court with no option but to disqualify himself, notwithstanding the absence of any question about his impartiality. This is regrettable given the history of the case and the Court's familiarity with the issues and the parties. The case will be reassigned.

The Clerk is directed to docket this Notice in this case.



Liam O'Grady
United States District Judge

Alexandria Virginia
January 19, 2022